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Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-11-2026

CORAM

Case QR

THE HON'BLE MR JUSTICE G.K. ILANTHIRAIYAN

CRL OP No. 32498 of 2026

CNR: {HCMA012394112026}

J.Murugaesan
Residing at No.22/2, Vadivelu Street,
Perambur, Chennai 600101
Also at 17, 2nd Floor,
Chidhi Vinayagar Koil Street,
Muthu Rangan Salai, T Nagar Chennai

..Petitioner(s)

Vs

RP Rajaraam
No.147, Paddy filed road, Perambur,
Chennai

..Respondent(s)

Prayer: This petition is filed under section 528 of BNSS to set aside and modify the condition imposed in para 4(ii) of the order dated 09.07.2026 passed in Crl.M.P.No.01 of 2026 in Crl.A.No.943 of 2026 as stated above, while keeping all other benefits already granted to the Petitioner/Appellant to continue during the further time granted by this Honble Court and to pass order or orders that may deem fit and proper and thus render Justice.

For Petitioner(s): Mr.V.V.Sairam for Mr. Elanjchezien J

ORDER

This Criminal Original Petition has been filed seeking to modify the condition imposed in para 4(ii) of the order dated 09.07.2026 passed in Crl.M.P.No.01 of 2026 in Crl.A.No.943 of 2026 on the file of the learned XVIII Additional District and Sessions Judge, Chennai.

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2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. On perusal of the records, it is revealed that the petitioner was convicted by the judgment dated 01.04.2026, for the offence punishable under Section 138 of the Negotiable Instrument Act, by the learned XXXV Metropolitan Magistrate, (Fast Track Court-II), Egmore at Allikulam, Chennai , in STC No.10821 of 2025 and was sentenced to undergo one year simple imprisonment and to pay a compensation of the cheque amount viz., Rs.30,00,000/- to the complainant within a period of one month, in default to undergo two months simple imprisonment. Aggrieved by the same, the petitioner preferred an appeal in Crl.A.No.943 of 2026 along with the petition to suspend the sentence pending disposal of the appeal. The Appellate Court, while considering the petition for suspension of sentence, by an order dated 09.07.2026 suspended the sentence alone till the disposal of the appeal on condition to deposit 20% of the compensation amount before the Trial Court within a period of two months. Aggrieved by the same, the petitioner filed the present petition.

4. The Hon'ble Supreme Court of India in the case of ***Jamboo Bhandari Vs. M.P.State Industrial Development Corporation Ltd. & ors*** reported in ***2023 (3) MWN Crl. 104 (SC)*** has held that the requirement to deposit of 20% of the compensation amount is not an absolute rule and it can be reduced or even exempted in exceptional cases by assigning reasons.

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5. Considering the facts and circumstances of the case, this Court is inclined to modify the condition imposed by the Appellate Court to the effect that the petitioner shall deposit 15% of the cheque amount to the credit of STC No. 10821 of 2025 on the file of the XXXV Metropolitan Magistrate, (Fast Track Court-II), Egmore at Allikulam, Chennai, on or before 23.11.2026, failing which, the order passed by this Court shall automatically stand cancelled, and the Appellate Court shall take appropriate action against the accused in accordance with law.

6. With the above modification, this Criminal Original Petition is allowed.

04-11-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SMN

Note: Registry is directed to issue order copy on 11.11.2026

To.

1. The XXXV Metropolitan Magistrate, (Fast Track Court-II), Egmore at Allikulam, Chennai

2. The XVII Additional District and Sessions Court, Chennai.

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G.K.ILANTHIRAIYAN, J.

SMN

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